UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.44
3 November 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 April 2000, at 9 p.m.

Chairman: Mr. JAKUBOWSKI (Poland)
(Vice-Chairman)

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GE.00-15305 (E)

The meeting was called to order at 9.05 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/2000/69-73 and Add.1-3, 74, 75 and 128; E/CN.4/2000/NGO/21, 35, 57, 59, 82, 88, 127, 142; CRC/C/84, 87 and 90)

1. Ms. SHAUMIAN (International Institute for Peace) said that, despite the ratification of the Convention on the Rights of the Child by almost 200 countries and the entry into force of the International Labour Organization (ILO) Worst Forms of Child Labour Convention 1999, children continued to be pushed into the labour market. The ILO estimated the worldwide number of working children at a staggering 250 million, of whom at least 120 million between the ages of 5 and 14 years were working full time. It was mainly poverty, often exacerbated by debt bondage, that drove parents to send their children to work, particularly in Asia, where the child working population was estimated to be about 40 million. Girl children often began working earlier than boys, were paid less and risked being sexually exploited or trafficked into developed countries. Her organization strongly supported the actions proposed by the Beijing Declaration and Platform for Action, such as appeals to Governments and NGOs to protect girls from violence at work and sexual harassment.

2. In her report (E/CN.4/2000/3) the Special Rapporteur on disappearances and summary executions had expressed her deep concern over the increasing use of children as soldiers and support staff in armed conflicts. Some 300,000 children under the age of 18 were estimated to be serving in that way, including 120,000 in Africa alone. In its resolution 1999/80 (Rights of the Child), the Commission had called on all parties to armed conflict to end the use of children as soldiers and to implement effective measures for their rehabilitation and reintegration into society - recommendations which her organization also strongly endorsed.

3. Mr. SARAF (World Muslim Congress) said that the adoption by consensus of the ILO Worst Forms of Child Labour Convention, and of two optional protocols to the United Nations Convention on the Rights of the Child marked significant advances towards ensuring that government policies were always undertaken in the best interest of the children themselves. Any State becoming a party to those instruments committed itself to review its national laws to ensure conformity with their provisions. That was, unfortunately, far from being the situation in many States, particularly those in southern Asia, the home of 40 per cent of the world's poor and of more than a third of working children between the ages of 10 and 14.

4. According to the 1999 World Bank Report, the economies of Southern Asia were the least integrated in the globalization process, largely as a consequence of the hegemonic policies pursued by India. It was ironic that that country, which had ratified the Convention on the Rights of the Child, should have entered a declaration relating to its interpretation of article 32, offering lack of resources as an excuse for its inability to make faster progress, when it had announced a 28 per cent increase in its defence budget as recently as March 2000. He urged the Commission to ask the Government of India to implement the provisions of the Convention on the Rights of the Child in letter and spirit; to withdraw its declaration under article 32, and to divert resources from defence spending to the immediate implementation of its international commitments under the Convention.

5. Ms. ALI (Afro-Asian People's Solidarity Organization) said that, although article 13 (1) of the Convention on the Rights of the Child guaranteed the freedom to seek, receive and impart information and ideas of all kinds, which was particularly important in relation to education, many children were being denied the full exercise of that right. In Pakistan, for example, only 70 per cent of children under the age of 12 were enrolled in schools, and less than half of them actually completed primary school. Islamic studies was a compulsory subject for all Muslim students, but in theory not for students of other faiths. In practice, however, many such students were compelled by teachers to follow Islamic studies.

6. In higher education, although both the Government and universities generally respected academic freedom, an atmosphere of violence and intolerance was fostered by student organizations linked to political parties or radical religious organizations. Such groups intimidated other students and instructors, and even challenged the university administration on a range of matters, including syllabus, examination policies, doctrines and dress.

7. Meanwhile, cases of sexual abuse and trafficking of children were on the increase in Pakistan, and the smuggling of children into the Gulf States had spiralled in 1997. In view of the gap in many States between ratification of the Convention and the actual state of affairs, it was essential for the Commission to remain vigilant and to intervene in situations where children were being brought under influences that could eventually turn them into fundamentalists, mercenaries and terrorists.

8. Ms. AMALIA (Netherlands Organization for International Development Cooperation) said that the Indonesian President's decision to ratify the Convention on the Rights of the Child was far from guaranteeing that every Indonesian child would enjoy its rights. As a result of the prolonged economic crisis in that country the number of children driven out onto the streets in an effort to survive had increased by 400 per cent. Partly as a result of the traditional paternalistic culture of the family and community, street children were branded as thieves and criminals, and frequently became victims of violence, particularly when the authorities set out to "clean up" the cities. There had also been a sharp increase in child labour, especially in the informal sector, and some children were subjected to heavy manual labour.

9. Girls were often forced into marriage or sold as prostitutes. In conflict areas many children were made to serve in the front line and had, in the Moluccas, been used as living shields by the militia. Another consequence of political conflicts was that the absence of adult male family members often forced children out of school to work in support of their families. In addition, only children living in regular families were able to enjoy the right to education. Even then, with fees, books and uniforms to be paid for, it was estimated that in a family with four children three would not receive education, and she contested the statement by the Director of the World Bank that the Social Safety Net for Education was making it possible for children to continue their education. The basis of the Safety Net was discriminatory and excluded the children of the poor.

10. Her organization requested the Commission to urge the Indonesian Government to implement children's rights in conformity with the standards of the Convention on the Rights of the Child and, in cooperation with the relevant NGOs, to engage in an active programme to educate society in children's rights.

11. Ms. DEL AGUILA (Christian Aid) said that the problem of children's rights was particularly acute in Central America, where over 50 per cent of the population were under 19 years of age. The majority of those lived in rural areas, and a high percentage were brought up in poverty. In Guatemala, for example, 46 per cent of children under five suffered from malnutrition; only 40 per cent had access to the health system; only 50 per cent of children of primary school age had access to education, and over 760,000 children were made to work. Similar figures applied to El Salvador, Honduras and Nicaragua. It was difficult to obtain precise figures for the number of street children, so often exposed to sexual exploitation and generally not protected by government institutions. In Guatemala, under a 1979 law, vulnerable children whose rights were violated were equated with those in conflict with the criminal law. Although the Guatemalan Congress had, in 1996, adopted the Childhood and Youth Code in line with the Convention on the Rights of the Child, its implementation had been undermined by conservative groups, which regularly attacked human rights organizations and United Nations bodies such as UNICEF and MINUGUA.

12. Her organization requested the Commission: to recommend that the Guatemalan Government to resume application of the Childhood and Youth Code; and to urge Central American Governments to give priority to children's problems. It further called for the Commission and other international organizations to monitor Guatemala's compliance in practice with its undertakings to protect the rights of the child, and requested that the implementation of the recommendations of the Special Rapporteurs on the sale of children, child prostitution and child pornography and on the independence of the judiciary, as well as those of the Guatemalan Committee on the Rights of the Child, should be monitored by MINUGUA on a permanent basis.

13. Mr. ABDULLA AHMED (Islamic African Relief Agency), speaking also on behalf of the Global Health Foundation, said that north to south seasonal migration in Sudan had long been conducted peacefully between the northern and Nilotic tribes, and goodwill had generally continued to prevail after the outbreak of the rebel movement in 1983, when the southern tribes began migrating northwards. Although friction sometimes resulted in tribal conflicts leading to looting of livestock and the abduction of women and children, reconciliation had been effected with the assistance of tribal chiefs, the Government and NGOs. It should be noted that abduction had not been restricted to north-south conflicts but had also occurred in conflicts among the southern Nilotic tribes, which gave the lie to the false allegations of slavery in Sudan made by some international agencies and the media.

14. Another deplorable recent development was the abduction of minors by the rebel movement and their conscription into the so-called "Red Army". The related problem of the plight of unaccompanied minors, a large number of whom were reported to be living in refugee camps in Ethiopia, had been investigated by a number of NGOs and by the United Nations High Commissioner for Refugees (UNHCR) and the Resident Representative of the United Nations Children's Fund (UNICEF). Although the abduction of minors was a direct consequence of the traditional bilateral detention of individuals during times of tribal conflict, some international voluntary organizations, such as Christian Solidarity International, had represented the phenomenon as a form of slavery, a prejudiced view that had been propagated by the international mass media. The promotion of children's rights remained a major concern of all

sectors of the Sudanese community, and a number of international and national NGOs had been cooperating in the identification of abducted persons and their reunification with their families. There was reason to believe that the re-establishment of harmonious relations between the indigenous Sudanese tribes would make it possible to put an end to the practice of abduction.

15. Ms. SERIS (Society for Threatened Peoples) said that the most inhuman aspect of the expulsion of 70,000 ethnic Eritreans from Ethiopia, which had been widely condemned by a number of national and international human rights bodies, was the break-up of families and the forcible separation of children from their parents, the number of children left behind by expelled parents being estimated by Citizens for Peace in Eritrea at approximately 2,600. Unfortunately, the UNICEF officer dispatched, after considerable delay, had talked to only a very small number of the families in Eritrea who had left children behind in Ethiopia, having located only 33 children as a result of confining her investigations to those who had telephone numbers. She had finally concluded that the children were happy and had no desire to return to their parents. Another distressing consequence of the war had been the expulsion of children from school and their persecution after their parents were deported. Some of those children had even been treated as prisoners of war. There was also evidence of inhuman treatment of women about to give birth during the expulsion process.

16. Her organization urged the Commission to call on the Ethiopian Government to endorse the Organization for African Unity peace plan and to facilitate the reunification of Eritrean families.

17. Mr. KAUL (Himalayan Research and Cultural Foundation) said that the exploitation of children in armed conflicts, which had been condemned by the Security Council in its resolution 1261 (1999) and documented in the Children in Armed Conflict reports by the Special Representative of the Secretary-General, rightly continued to receive the serious attention of the Commission and NGOs. The most barbaric examples were provided by Kashmir, where Islamist mercenaries were using abduction and rape to force children to act as gun-runners and participate in various acts of terrorist violence aimed at the Islamization of secular Kashmiri society. On occasions kidnapping had been followed by the murder of the victims. Attacks were also being made by the terrorist organizations Hizb-ul-Mujahideen and Lashkar-i-Taiba on schools, schoolchildren and their teachers in an attempt to make extremist Islamic education the only type of education available to children. Attacks on minority communities by Islamic terrorists were also inflicting psychological and physical damage on innocent children.

18. The Commission should take serious notice of terrorist crimes against innocent children in the Indian State of Jammu and Kashmir, and institute sanctions against States harbouring, training and arming terrorists.

19. Ms. CERVANTES VÁSQUEZ (Organization of Solidarity of the Peoples of Africa, Asia and Latin America), also speaking on behalf of the Indian Movement "Tupaj Amaru" and Centre Europe-Tiers Monde, said that the abduction of six-year-old Elian González and the cruel psychological sufferings inflicted on him in pursuit of ill-defined political objectives were in violation of articles 15 (2), 16 (3) and 26 (3) of the Universal Declaration of Human Rights, and articles 8, 9, 11, 19 and 35 of the Convention on the Rights of the Child. Those articles established in particular recognition of the family as a natural and fundamental unit of society,

the right of parents to choose the education of their children, the right of children to preserve their identity and nationality, the duty to protect children against all forms of physical or mental abuse, and the duty to prevent the abduction, sale or trafficking of children for any purpose. Elian was being held in the United States, one of the only two countries in the world not to have ratified the Convention, the real reasons being that the boy was a Cuban and belonged to a people that had not bowed to the will of the United States of America. The extreme right-wing Cuban exiles endeavouring to keep Elian in the United States were indifferent to the future of Africans, Asians and Latin Americans living in abject poverty and to the sufferings of Iraqi and Yugoslav children. Such a flagrant violation of human rights, striking at the very root of human society, the family, was repugnant and indefensible from any humane point of view.

20. Mr. SCHIBLI (International Organization for the Development of Freedom of Education), speaking also on behalf of Defence for Children International, World Federation of Methodist and Uniting Church Women, and World Vision International, said that the child's best interest and the prohibition of discrimination on any grounds should remain the overriding principles guiding children's policies, including on education. When the Convention had been drafted, it had not been foreseen that religion would become such an important issue, and that it would, combined with ethnic and nationalist intolerance, lead to gross violations of children's rights. There was, therefore, an urgent need for religions to fight all forms of intolerance and discrimination and to advocate a global ethic as the basis for a more responsible national and world order. As the High Commissioner for Human Rights had said, a basic task for the defenders of human rights and religious liberty was the fostering of dialogue between cultures and religions.

21. His organization urged the Commission to grant more attention to children's right to freedom of religion, to make special provision for the discussion of human rights and religion at its fifty-seventh session, and to encourage cooperation between the relevant United Nations mechanisms and agencies.

22. Mr. ABEBE (Observer for Ethiopia), replying to the allegations made by the representative of the Society for Threatened Peoples, said that his Government had repeatedly and clearly stated that, as a result of aggression by Eritrea abetted by its illegal organization established in Ethiopia, it had for national security reasons asked some Eritreans to leave the country. Although under Ethiopian law it could have required any dependant of a deported person also to leave the country, the Government had left it open for dependants to decide whether to leave Ethiopia of their own free will or remain, like other Eritreans, living peacefully in the country. Since family reunion was an option available to all family members, it was not an issue at all and the allegation lodged against the Ethiopian Government by that speaker was unfounded and unrealistic.

The meeting rose at 10.10 p.m.